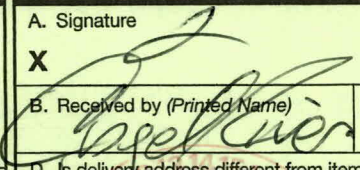


SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		A. Signature X  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> Mr. Randy Jansen, President Peñuelas Valley Landfill, LLC P.O. Box 918, Punta Santiago Puerto Rico 99741-0918 </div>		B. Received by (Printed Name) _____ C. Date of Delivery _____ D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> Collect on Delivery 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
7015 0920 0000 8688 9861			

PS Form 3811, July 2013 Domestic Return Receipt

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PS Form 3800, July 2014 See Reverse for Instructions

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION 2

Caribbean Environmental Protection Division

City View Plaza II, #48 Carr 165 Ste 7000

Guaynabo, Puerto Rico 00968-8073

SEP 14 2017

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Randy Jansen, President
Peñuelas Valley Landfill, LLC.
P. O. Box 918, Punta Santiago
Puerto Rico 00741-0918

**Re: EPA's Review of Documents
Administrative Compliance Order
Docket Number CWA-02-2017-3103
NPDES Tracking Number PRR053203**

Dear Mr. Jansen:

On March 1, 2017, EPA issued Administrative Compliance Order, Docket Number CWA-02-2017-3103 ("ACO"), to Peñuelas Valley Landfill, LLC¹ ("PVL") for its failure to comply with certain conditions and requirements of the National Pollutant Discharge Elimination System Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("2015 MSGP") at its landfill facility located at Road PR-385, Km .4.5, Tallaboa Ward, Peñuelas, Puerto Rico ("Landfill" or the "Facility").

The ACO required PVL, among other things, to: amend the electronic Notice of Intent submitted to EPA to obtain coverage under the 2015 MSGP to reflect the actual operator of the Landfill²; prepare and submit a Work Plan including an implementation schedule of the tasks to be performed to achieve compliance with the 2015 MSGP; prepare and submit Monthly Progress Reports (MPRs); and submit monitoring documentation regarding follow-up actions taken when discharge exceeds numeric effluent limitation for Total Suspended Solids (TSS).

EPA has carefully reviewed the documents submitted by PVL³, and has determined that the ACO has not been fully complied with. The following ACO provisions remain outstanding:

1. The Work Plan submitted pursuant to ACO Paragraph 63 did not include: best management practices ("BMPs) for erosion and sediments controls for the stabilization of exposed soils, as required by Part 2.1.2.5 of the MSGP⁴; a revised SWPPP for the Landfill to comply with Parts 4 and 5 of the 2015 MSGP; and the estimated costs for achieving compliance, including capital costs of the proposed BMPs, including the operations and maintenance costs associated with any future plan developed as part of the Work Plan.

¹ The ACO was originally issued to Peñuelas Valley Landfill, LLC and EC Waste, LLC.

² The NOI was originally submitted by EC Waste, LLC instead of Peñuelas Valley Landfill, LLC.

³ EPA reviewed PVL's letters dated March 20, March 23, April 5, April 19, May 17, and June 22, 2017.

⁴ The inclusion of a fixed-date schedule for soil stabilization practices was required in the ACO Paragraph 63.

2. PVL has not submitted the July 2017 MPR, as required by ACO Paragraph 64.⁵
3. PVL has not submitted documentation of the actions taken, pursuant to Part 6.2.2.3 of the 2015 MSGP, after exceeding the effluent limitation for TSS on the sampling performed on October 18, 2016, as required by ACO Paragraph 65.

In addition, EPA's review of the sampling performed on October 18, 2016 revealed that PVL also exceeded the effluent limitations for Benzoic Acid, Biochemical Oxygen Demand, and Zinc, and also failed to provide evidence that it had conducted follow-up monitoring for these parameters.⁶

Attachment 1 of this letter includes a table summarizing the effluent limits exceedances based on the laboratory report of analysis for the October 18, 2016 sampling event.

In regards to the preparation and implementation of the rainfall data collection, management, and record keeping standard operating procedure, and stormwater sampling standard operating procedure, required under ACO's Paragraphs 63.e and 63.f, respectively, EPA will address such compliance in a future communication.

Within thirty (30) calendar days of receipt of this letter, PVL must address the outstanding ACO provisions identified above and submit the required information to EPA. In addition to the July 2017 MPR, PVL must continue submitting the subsequent MPRs until such time the ACO is deemed closed by EPA. All MPRs shall include, among other things, the precipitation data collected and related information as provided for in ACO Paragraph 63.

Any document submitted by PVL shall include the certification specified in ACO Paragraph 67, and shall be sent via certified mail (or its equivalent) to the addresses specified in ACO Paragraph 68, or by electronic submission.

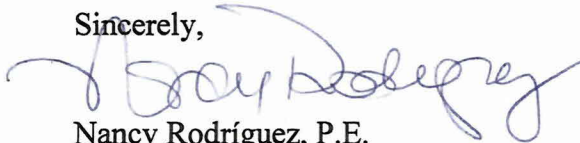
This letter shall not be deemed an election by EPA to forego any administrative or judicial action for penalties, fines, or other appropriate relief under Section 309 of the CWA, 33 U.S.C. § 1319, arising from EPA's investigation of PVL's compliance with the CWA. We remind you that failure to comply with the ACO may subject the PVL to ineligibility for participation in work associated with Federal contracts, grants, or loans.

⁵ The MPR shall include a cost report detailing the expenses incurred, as of the date of the MPR, concerning the milestones and activities performed towards meeting the provisions of the ACO.

⁶ PVL must comply with the follow-up actions, pursuant to Part 6.2.2.3 of the 2015 MSGP, for all exceedances of numeric effluent limitations.

If you have any questions concerning the above, please have your staff contact Mr. José A. Rivera, Lead Environmental Engineer, Clean Water Act Team, at (787) 977-5842 or rivera.jose@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Nancy Rodríguez", is written over the word "Sincerely,".

Nancy Rodríguez, P.E.

Chief

Multimedia Permits and Compliance Branch

Enclosure

cc: Ángel Melendez, EQB (via e/mail)
René R. Rodríguez (via e/mail)

ATTACHMENT 1

EPA reviewed the information that PVL submitted in NeT (<https://testngn.epacdxnode.net/>) and available at the Enforcement and Compliance History Online (<https://echo.epa.gov/>), and the laboratory report of analysis for the October 18, 2016 sampling event. The review revealed that PVL reported exceedances of the Benzoic Acid, Biochemical Oxygen Demand, TSS and Zinc. The following table includes a summary of the reported laboratory results.

SAMPLING EVENT - OCTOBER 18, 2016		
PARAMETER	EFFLUENT LIMIT	REPORTED VALUE
Benzoic Acid	0.12 mg/L (daily maximum)	9.57 mg/L
Benzoic Acid	0.071 mg/L (monthly average maximum)	9.57 mg/L
Biochemical Oxygen Demand	37 mg/l (monthly average maximum)	77.5 mg/L
Total Suspended Solids	88 mg/l (monthly average maximum)	1,510 mg/L
Total Suspended Solids	27 mg/l (monthly average maximum)	1,510 mg/L
Zinc	0.20 mg/L (daily maximum)	0.312 mg/L
Zinc	0.11 mg/l (monthly average maximum)	0.312 mg/L

Notes: See Table 8.L-2 in Part 8.L.10 of the 2015 MSGP. PVL had not provided evidence that it had conducted follow-up monitoring for the other three parameters (Benzoic Acid, BOD and Zinc) it had exceeded the applicable effluent limits.

